

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
OF THE CITY OF JASPER, INDIANA AND PUBLIC HEARING
FEBRUARY 6, 2013**

Vice Chairman Brad Schnarr called the Regular Meeting of the Board of Zoning Appeals to order at 6:30 p.m. Secretary Josh Gunselman took roll call as follows:

Jerry Uebelhor, Chairman	-Absent	Randy Mehringer	-Present
Brad Schnarr, Vice Chairman	-Present	Bob Cook	-Absent
Josh Gunselman, Secretary	-Present	Darla Blazey, Director of Community Development / Planning	-Present
		Renee Kabrick, City Attorney	-Present

Mayor Terry Seitz appointed Jim Schroeder to serve on the Board for the meeting.

PLEDGE OF ALLEGIANCE

Vice Chairman Schnarr welcomed the Boy Scouts present at the meeting from Troop 185. The Scouts, who were attending the meeting to earn a merit badge, led the Pledge.

APPROVAL OF THE MINUTES

Minutes of the January Regular Meeting were reviewed. Randy Mehringer made a motion to approve the minutes as mailed. Secretary Gunselman seconded it. Motion carried 4-0.

STATEMENT

Vice Chairman Schnarr read the following statement. "We are now ready to begin the public hearings scheduled for this evening. With respect to tonight's meeting and public hearings, we are hereby incorporating by reference into the record of tonight's meeting and public hearings, City of Jasper Ordinance Number 1993-17, entitled "Zoning Ordinance of the City of Jasper, Indiana and its jurisdictional area" and any and all amendments thereto, and the City of Jasper Comprehensive Plan. Audio and videotapes of these proceedings are also incorporated by reference into this evening's record."

NEW BUSINESS

Petition of Beth Browning for a variance to operate a catering business in a residential zone.

Beth Browning was present to request a variance to operate a catering business at 1210 Jackson Street. Ms. Browning said she plans to cater to small groups (no more than 200 people) for gatherings such as communions and graduations. Plans are to add on to the back porch in order to extend the food preparation area. The Dubois County Health Department has already approved the site for operation. All catering orders will be delivered to the customer. There may be times when the customer would come to the residence for consulting purposes; otherwise, there would be no customer traffic. At this time, Ms. Browning three family members will be helping with the business.

When Board members voiced concern about delivery trucks appearing at the home, specifically along Jackson Street and the rear alley, Ms. Browning said she does not foresee hiring a delivery truck; most of her food would most likely be purchased from Sam's Wholesale.

With no remonstrators present, Randy Mehringer made a motion to close the public hearing, seconded by Secretary Gunselman. Motion carried 4-0.

Randy Mehringer made a motion to grant a variance to operate a catering business at 1210 Jackson Street, on the condition that there are no deliveries or parking on Jackson Street related to the business. Secretary Gunselman seconded it. Motion carried 4-0.

Petition of Kroger Limited Partnership I (as petitioner) and Jasper Lumber company (as owner) for a variance to build within 35 feet of the front yard and a variance to reduce the landscape buffer to within six feet of the front yard and a variance from the off-street parking requirements.

Dan Trexler, of Kroger Company and Jonathan Evans, of Evans Engineering, were present to request three variances; 1) to build within 35 feet of 30th Street 2) to reduce the landscape buffer from 10 feet to six feet of 30th Street and 3) from the off-street parking requirements. The company is in negotiations with Jasper Lumber to purchase the property at 3068 30th Street and construct a Ruler Food Store at that location. The existing site is 1.864 acres. The proposed building would consist of 19,260 square feet. The variances are being sought due to the size of the lot and the limited placement possibilities of the building. Mr. Trexler explained that Ruler Food Store is a new concept of the Kroger Co. that operates with an approximate foot print of 18,000 square feet to 20,000 square feet with a concentration of keeping expenses low and providing customers a quality product at a value cost.

Regarding the off-street parking, Kroger's site plan displays 11 parking spaces short of the city ordinance's requirement and 20 short for Kroger Company's standards. Mr. Drexler said the company has been in conversation with the Dubois County Museum board in regards to an agreement allowing Kroger to 'share' some of the Museum parking. In discussion between the two entities, Kroger is requesting 26 spaces, which would allow parking for 92. Engineer Evans said the company's ideal number of parking spaces is 90 plus. With that said, President Schnarr said he was concerned that there might be a potential problem if the 'shared' parking would still not bring the store to the accustomed number of parking.

Attorney Renee Kabrick read a letter addressed to the Board from the Dubois County Museum Board of Directors stating that there is no signed agreement between Kroger Company, Jasper Lumber Company, present owner of the property, and the Dubois County Museum regarding the sharing for parking. The potential of sharing properties for these uses has been discussed between the three above-listed entities; however as of this time, that potential is still in negotiations.

Bernie Vogler, representing the Dubois County Museum, pointed out that there is a concern of whether or not an easement dating back to 1936 still exists along the property. Mr. Vogler said it has been surveyed but has yet to be rectified. Another concern of the Museum board is in regards to the alley that runs north to south. Mr. Vogler said there could be a potential problem for the Museum and Forest Products if it does not run straight out to 30th Street.

Joe Seng, manager of Forest Products, commented to the Board that in his opinion, Kroger Company's design 'does not fit' on the proposed lot. Mr. Seng said according to how the proposed easement is laid out, Forest Products would more or less be forced to give an easement to the Museum in order for them to access that area. John Seng, President of Forest Products

agreed with his brother, Joe, and added that there would also be possible issues with fire safety, stressing that adequate fire protection should be added to the back of the building.

There was continued discussion, mostly in regards to the off-street parking. Although the Board was in consensus of having no issues with the setback and landscape variances, it was suggested to table the public hearing until all issues regarding the parking are resolved between Kroger Company, Jasper Lumber, Forest Products and the Dubois County Museum.

Bernie Vogler inquired whether or not the City's ordinance calls out any precedence regarding shared spaces. In reply, Attorney Kabrick referenced Section 16.03.050 of the City's zoning ordinance, which states that "the required off-street parking spaces for any number of separate buildings, structures or uses may be provided collectively on one lot, providing the total number of such spaces shall not be less than the sum of the requirements for the various individual buildings." In essence, Attorney Kabrick concurred that the parking spaces cannot be shared.

After Mr. Trexler agreed to the suggestion from the Board to table all three variances, Randy Mehringer made a motion to table the public hearing. Jim Schroeder seconded it. Motion carried 4-0.

Petition of The Bernard V. and Theresa A. Vonderschmitt Joint Declaration of Trust and B&T Vonderschmitt, LLC for a variance from Section 16.02.140 (Height Regulations).

Brad Eckerle, of Brosmer Land Surveying, was present on behalf of Theresa Vonderschmitt, of 510 Mendel Lane, to request a variance to construct two accessory buildings on her property with a height of 28 feet each. One of the buildings would measure 60 ft. x 104 ft. and be used as an outdoor horse arena. The second building would measure 140 ft. x 80 ft. Although Mr. Eckerle was not certain of the exact use for the enclosed building, he stated that it would be horse-related.

There were no remonstrators present. After some discussion, Randy Mehringer made a motion to close the public hearing. Secretary Gunselman seconded the motion. The motion carried 4-0.

Randy Mehringer made a motion to grant a variance to from Section 16.02.140 (Height Regulations), with the height of each building not to exceed 29 feet. Secretary Gunselman seconded it. Motion carried 4-0.

Petition of The Evangelical Lutheran Good Samaritan Society for a special exception to allow an expansion of an existing nursing home.

Nathan Waggner, of Waggner & Associates, was present on behalf of Northwood Good Samaritan to request permission to construct a 1,600 sq. ft. therapy room addition at its location at 2515 Newton Street. Also present were the project architect Ron Flick and Judy Pund, Administrator of Northwood Good Samaritan.

Ms. Pund explained that the therapy room would be used as a rehabilitation area for the facility's elderly residents. The therapy room addition is the second phase of Good Samaritan's three-phase project, which also includes a new assisted living facility at 400 W. Pleasant View Drive and the remodeling of the existing assisted living area into private rooms.

There were no remonstrators present. After some discussion, Secretary Gunselman made a motion to close the public hearing. Jim Schroeder seconded it. Motion carried 4-0.

Secretary Gunselman made a motion to grant a special exception to allow an expansion (therapy room addition) at 2515 Newton Street. Jim Schroeder seconded it. Motion carried 4-0.

ADJOURNMENT

With no further discussion, Randy Mehringer made a motion to adjourn the meeting, seconded by Secretary Gunselman. Motion carried 4-0, and the meeting was adjourned at 7:44 p.m.

Jerry Uebelhor, Chairman

Josh Gunselman, Secretary

Kathy M. Pfister, Recording Secretary